

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EARL HILL,
Plaintiff

v.

UNITED STATES OF AMERICA et al.,
Defendants

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No. 1:22-cv-01176

(Judge Kane)

ORDER

AND NOW, on this 7th day of June 2023, upon consideration of pro se Plaintiff Earl Hill (“Plaintiff”)’s amended complaint (Doc. No. 15), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Plaintiff’s amended complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2);
2. Plaintiff is **GRANTED** a **final** opportunity to amend his pleading in order to assert (1) a claim under the Federal Tort Claims Act, 28 U.S.C. § 1346, for negligence against the United States and (2) an Eighth Amendment deliberate indifference to medical care claim against Defendants Moclock, Pedro, and Ball pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971);
3. Plaintiff shall file his third amended complaint within **thirty (30) days** of the date of this Order;
4. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form. Plaintiff shall title that complaint form “Third Amended Complaint” and shall include the docket number for this case, 1:22-cv-01176; and
5. In the event that Plaintiff fails to file a third amended complaint within the thirty (30) days, then this action may be subject to dismissal.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania